

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTIAN POWELL.

Plaintiff,

Civ. No.:

v.

CITY OF JAMESTOWN,
CITY OF JAMESTOWN CLERK,
JAMESTOWN POLICE DEPARTMENT,
JAMESTOWN POLICE CHIEF TIMOTHY
JACKSON,
COUNTY OF CHAUTAUQUA,
CHAUTAUQUA COUNTY SHERIFF'S OFFICE,
CHAUTAUQUA COUNTY SHERIFF JAMES B.
QUATTRONE,
CHAUTAUQUA COUNTY UNDERSHERIFF
DARRYL W. BRALEY,
JOHN DOES 1-10, said names being fictitious but
intended to be any other individual/officers involved
in the within incident and employees of the CITY
OF JAMESTOWN and/or JAMESTOWN POLICE
DEPARTMENT in their individual and official
capacities, and
JOHN DOES 1-10, said names being fictitious but
intended to be any other individual/officers involved
in the within incident and employees of the
COUNTY OF CHAUTAUQUA and/or
CHAUTAUQUA COUNTY SHERIFF'S OFFICE in
their individual and official capacities,

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446, defendants County of Chautauqua, Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone and Chautauqua County Undersheriff Darryl W. Braley, hereby remove the action pending in the State of New York, County of Chautauqua, entitled *Christian Powell v. City of Jamestown, City of Jamestown Clerk, Jamestown Police Department, Jamestown Police Chief Timothy Jackson, County of Chautauqua,*

Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone and Chautauqua County Undersheriff Darryl W. Braley, to the United States District Court, Western District of New York, and that this Notice of Removal, together with a copy of all process, pleadings, and orders, have been filed in the Office of the United States District Court for the Western District of New York.

The grounds for removal are as follows:

1. On or about May 28, 2021, plaintiff commenced an action against the County of Chautauqua, Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone and Chautauqua County Undersheriff Darryl W. Braley in the State of New York, County of Chautauqua, index number EK12021000803, with the above caption, by the filing of a Summons and Complaint (Exhibit A). The Summons and Complaint was served on or about June 2, 2021. Less than thirty (30) days have passed since receipt of the Summons and Complaint by County of Chautauqua, Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone and Chautauqua County Undersheriff Darryl W. Braley.

2. Plaintiffs' Summons and Complaint alleges that Defendants violated his rights under the United States Constitution and brings a claim pursuant to U.S.C. §1983.

3. As this is a civil action arising under the Constitution, laws or treaties of the United States, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

4. This court has supplemental jurisdiction over the claims asserted pursuant to 28 U.S.C. § 1367, because those claims form part of the same case or controversy as Plaintiffs' claim under 42 U.S.C. § 1983.

5. This action is removable to this Court pursuant to 28 U.S.C. § 1441.

6. Pursuant to 28 U.S.C. § 1446, not more than thirty (30) days have elapsed since Defendants received Plaintiffs' Summons and Complaint. Written notice of the filing of this notice of removal, along with all attachments hereto, has been provided to Plaintiffs' counsel. The written notice of filing and a copy of this notice of removal will be filed with the Clerk of the Supreme Court of the County of Chautauqua contemporaneously with the filing in this Court.

7. **WHEREFORE**, the Defendants County of Chautauqua, Chautauqua County Sheriff's Office, Chautauqua County Sheriff James B. Quattrone and Chautauqua County Undersheriff Darryl W. Braley request that the action now pending against it in the State of New York, County of Allegany, be removed to this Court.

DATED: June 9, 2021

WEBSTER SZANYI LLP

Attorneys for Defendants
County of Chautauqua, Chautauqua County
Sheriff's Office, Chautauqua County Sheriff
James B. Quattrone and Chautauqua County
Undersheriff Darryl W. Braley

By: *s/ Michael P. McClaren*

Michael P. McClaren
1400 Liberty Building
Buffalo, New York 14202
(716) 842-2800
mmcclaren@websterszanyi.com

TO: **SHAW & SHAW, P.C.**
Blake Zaccagnino, Esq.
Attorneys for Plaintiff
4819 South Park Avenue
Hamburg, New York 14075
(716) 648-3020

CC: City of Jamestown
City of Jamestown Clerk
Jamestown Police Department
Jamestown Police Chief Timothy Jackson
201 East 2nd Street
Jamestown, New York 14701

INDEX OF DOCUMENTS FILED WITH STATE COURT

Exhibit A Summons and Complaint
 Filed May 28, 2021 with the Chautauqua County Clerk